

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 1:24CR289
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	
)	
MATTHEW MOTIL,)	<u>RESPONSE TO DEFENDANT'S</u>
)	<u>MOTION TO REASSIGN RELATED</u>
Defendant.)	<u>CASE</u>

The United States, by and through its counsel, Rebecca C. Lutzko, United States Attorney, and Erica D. Barnhill, Assistant United States Attorney, hereby responds to Defendant's Motion to Reassign Related Case.

Local Rule 57.9 provides that "[t]he **United States Attorney's Office**, shall, in any case which is, or **might be considered**, related to another case, file a motion/notice with both Judicial Officers advising the Court of the relationship." Local Crim. Rule 57.9(b)(3) (emphasis added). The United States Attorney's Office complied with this rule by filing its Notice of Related Cases on August 13, 2024. R. 2: Notice of Related Cases, PageID 17. This Court then scheduled an arraignment and plea in this matter, currently set for September 5, 2024. Minutes, Docket Entry, Aug. 16, 2014, PageID N/A.

The criminal rule, unlike the corresponding civil rule, makes no provision for defense counsel to file a motion to transfer. See Local Civ. Rule 3.1(b)(3). Defendant filed a Motion to Transfer after arraignment was set in this case and argues in support of his motion that during the three status conferences¹ held in *Securities and Exchange Commission v. Matthew Motil et al.*,

¹ According to the docket for 23-CV-1853, two status conferences were held prior to the filing of

No. 23-CV-1853, “**the parties** have discussed, in detail, the allegations, charges, facts, and progress in the criminal matter.” R. 3: Motion to Reassign, PageID 20 (emphasis added).

However, this statement elides the fact that the United States Attorney’s Office is not a party to Defendant’s civil case and was not a participant in those discussions. As indicated in the Notice of Related Cases, although the underlying facts in the two cases are the same – which was the basis for the filing of the Notice – the parties are not. See R. 2: Notice of Related Cases, PageID 18, at footnotes 1 and 2. Defendant’s civil case is presently stayed pending the resolution of the criminal case. *Securities and Exchange Commission v. Matthew Motil et al.*, Case No. 1:23CV1853: Minutes, Docket Entry, Aug. 14, 2024, PageID N/A.

This Court was previously provided notice that the two cases might be considered related and elected to retain the criminal case and set it for arraignment and plea. The United States therefore respectfully requests that the arraignment and plea proceed as scheduled.

Respectfully submitted,

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the Information in this case: one on April 8, 2024 (lasting 40 minutes), and one on May 13, 2024 (lasting 35 minutes). An additional status conference was held after the Information was filed in this case, on August 14, 2024 (lasting 35 minutes). None of the status conferences were on the record. See generally 23-CV-1853: Docket, Minute entries Apr. 8, 2024, May 13, 2024, and Aug. 14, 2024, PageID NA.